

## **II. Remarks:**

This response has been made to clarify the claims originally filed as supported by the specification and priority applications. It is believed that no government claim fees are needed since the Assignee has deleted more claims than they have added.

### **Claim Objections:**

The examiner first expressed concern relative to claims 1, 3, 13, 16 and 18, under Rule 75(a) (37 CFR §1.75(a)).

Claim 1: The Examiner expressed concern relative to the use of the term “substantially vertical axis”, stating that it “is unclear to what degree of alignment applicants intend as a “substantially vertical axis”.” (see office action, p. 2, middle paragraph). In response, the Applicant would cite text from the specification as filed, as follows: “Substantially vertical axes includes those axes that are from approximately 85 - 90 degrees relative to a horizontal supporting floor that the axis passes through.” See p. 9, l. 12-14. The Applicant feels that such text sufficiently defines and provides clarity to the term “substantially vertical axis.”

Claims 3, 13, 16 and 18: The Examiner expressed concern relative to the use of the term “cable may pass” in such claims. In response, the Applicant has amended each of claims 3, 13, 16 and 18 as indicated in the Amendments to Claims section above.

Claim 13: The Examiner expressed concern relative to the use of the term “substantially purely vertical” in claim 13, stating that it is “unclear to which degree of alignment applicants intend as “substantially purely vertical.” (see office action, page 2, bottom of page). In response, the Applicant cites the following passage from the specification as filed:

This height adjustment may be substantially purely vertical translatory height adjustment (e.g., where the rail is attached to two legs and the couplers, perhaps upon release, enable the rail to be raised or lowered vertically, without any rotation or component of horizontal motion of the rail).

See specification, p. 10, l. 11-15. Such passage in particular defines what is meant by the term “purely ... vertical translatory”; in conjunction with the above-referenced passage (i.e., “Substantially vertical axes includes those axes that are from approximately 85 - 90 degrees relative to a horizontal supporting floor that the axis passes through.” See p. 9, l. 12-14) the two passages together are believed to sufficiently define the term “substantially purely vertical.”

Claims 8, 12, 21 and 24: The Examiner expressed concern relative to claims 8, 12, 21 and 24, stating that they fail to further limit the subject matter of a previous claim, requiring either cancellation or amendment. In response, and merely as an expediency, the Applicant has amended claims 8 and 21. As to claims 12 and 24 (both of which relate to the provision of cable slack), the Applicant, although of the opinion that such functional limitations are indeed acceptable, has canceled claims 12 and 24. Of course, an apparatus that meets the limitations of claim 12 and 24 had they been left in the case would also meet the limitations of independent claims 1 and 13.

#### 35 USC §102 Concerns:

The Examiner expressed concern relative to claims 1-3 and 11 under 35 USC §102(e) as based on a patent issued to Torrez (US Pat. No. 6,610,916, hereinafter referred to as Torrez). In response, the Applicant would point out that the Torrez reference cannot properly serve as a valid §102 reference for claim 1 (or indeed, any of its dependent claims) because it does not disclose all the limitations of claim 1. In particular, the Torrez reference does not disclose a support apparatus “wherein at least one of said couplers is a pivot coupler that pivotally couples one of said item support rails to one of said rail support legs and enables rotatable motion of said item support rail about a substantially vertical axis.” Upon examining all the embodiments of Torrez (see Fig. 1a and Fig. 10) to determine whether any

of couplers that couple a support rail (e.g., 110 in Torrez) to a leg (e.g., 150), enable rotatable motion of said item support rail about a substantially vertical axis (as claim 1 requires), it is clear that Torrez does not disclose such a coupler. Taking a look first at the rail-leg couplers of Fig. 1a, it becomes readily apparent that parts 229 (see Fig. 1d) and 237 (see Fig. 1e) disallow such rotation (simply, the couplers, at least in part because of components 229 and 237, do not allow the rail to be rotated about a vertical axis). The Examiner, given his comments in the office action relative to the passage in Torrez at lines 58-64 of column 3, appears to mistake the rotation represented by H2 in Fig. 1d and H3 in Fig. 1e as indicating motions of the rail about a vertical axis. Instead, H2 and H3 in Torrez Figs. 1d and 1e indicate the allowance for the rotation of the *legs* of Torrez about a *horizontal* axis (not the *rails* about a substantially *vertical* axis). Fig. 3 of Torrez illustrates such rotational motion. Now taking a look at the other embodiment shown in Torrez (see Fig. 10), it is clear that the coupler that couples the rail to the leg allows only rotation of the leg about a horizontal axis (see Fig. 12). This embodiment merely shows another way in which one of the goals of the invention - foldability of the legs about a horizontal axis- can be achieved. Further, the hinge of Fig. 11 simply does not couple a rail with a leg; it couples a rail with a rail. As such, the embodiment of Fig. 10 also does not disclose a “pivot coupler that pivotally couples one of said item support rails to one of said rail support legs and enables rotatable motion of said item support rail about a substantially vertical axis”, which, again, is a limitation of claim 1.

As such, Torrez does not anticipate the subject matter of claim 1, nor of all its dependents (of course, a dependent claim, e.g., claims 2, 3 and 11, includes all of the limitations of any claim(s) from which it depends).

#### 35 USC §103 Concerns:

Obviousness Concerns Based on Torrez Alone: The Examiner expressed concern under 35 USC §103 relative to claims 4-9 as based on Torrez. In response, the Applicant would point out that in fact not only does Torrez not disclose each of the limitations added by claims 4-9, but also it does not disclose the following limitation - “a pivot coupler that pivotally couples one of said item support rails to one of said rail support legs and enables

rotatable motion of said item support rail about a substantially vertical axis" - which, because all limits of base independent claim 1 are incorporated in claims that depend therefrom, also serve to limit claims 4-9. Thus, for each of claims 4-9, there are at least two limitations not disclosed by Torrez, and certainly the limitation appearing explicitly in claim 1 - "a pivot coupler that pivotally couples one of said item support rails to one of said rail support legs and enables rotatable motion of said item support rail about a substantially vertical axis" - cannot be achieved upon an obvious modification of the Torrez reference.

Obviousness Concerns Based on Torrez and Adinolfi: The Examiner expressed concern under 35 USC §103 relative to claims 10 and 12-24 as based on Torrez and US Pat. No. 5,929,355 (hereinafter referred to as Adinolfi).

As to Claim 10: The Applicant would state that because of Torrez' non-disclosure (as explained above) of the limitation - "a pivot coupler that pivotally couples one of said item support rails to one of said rail support legs and enables rotatable motion of said item support rail about a substantially vertical axis" - Torrez, together with Adinolfi, do not disclose all of the limitations of claim 10 as they must to support a *prima facie* case of non-obviousness.

As to Claim 12: Claim 12 has been canceled for reasons indicated above (see the Claims Objection section).

As to Claims 13-24: The Applicant would indicate that, in response to the concerns expressed by the Examiner, it has amended claim 13 (thereby limiting the scope of it and claims that depend from it). Claim 13 as amended herein, and all claims that depend from it, are believed not to be obvious relative to Torrez and/or Adinolfi. Among the limitations of amended claim 13 that are not found in either reference are: (a) at least two couplers, each coupler coupling one of said item support rails to one of said rail support legs at an angle other than 90 degrees; (b) wherein at least one of said couplers establishes a cable port sized to accommodate said cable, and (c) wherein said cable passes from externally of one of said rail support legs, through said cable port to internally of said one of said item support rails. As such, Torrez and Adinolfi cannot be properly used in an obviousness rejection of claim 13

and claims that depend therefrom. It is of note that the Applicant has canceled certain originally filed claims that depend from claim 13, in addition to adding a new dependent claim, claim 49.

**III. Conclusion:**

In response to the Examiner's concerns, explanation and/or amendment has been made. Please amend the claims as indicated herein, and reconsider the application. It is believed that all claims now remaining in the application are in condition for allowance. As such, an allowance of all claims is earnestly requested at the examiner's earliest convenience.

Dated this 24<sup>th</sup> day of March, 2009.

Respectfully submitted,

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